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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 834 OF 2006

Shankar J. Dhabade ....Petitioner

Vs.

Kalavati S. Dhabade & Ors. ....Respondents

Mr R. S. Kate for petitioner.

Mr. L. S. Gaikwad, for respondent 1.

Mr. D. R. More, APP for the State.

CORAM : SMT. RANJANA DESAI, J.

DATE : 14TH NOVEMBER, 2006.

P. C.:-

1. The petitioner and respondent 1 were married on 19/05/1978. It appears that, since 1981 they are staying separately. Admittedly the petitioner has married again. Respondent 1 filed an application for maintenance under Section 125 of the Code of Criminal Procedure on 09/07/2003. The learned Magistrate directed the petitioner to pay Rs. 900/- per month to respondent 1 by his order dated 19/10/2004. The petitioner carried a revision application to

the Sessions Court. It was dismissed on 10/01/2006. Being aggrieved by the said order, the petitioner has approached this Court.

2. I have heard the learned counsel for the petitioner and the learned counsel for respondent 1. In my opinion, no interference is necessary with the impugned order. Both the courts have concurrently held that petitioner has sufficient source of income and he has neglected and refused to maintain respondent 1 and that respondent 1 is unable to maintain herself and that she has no source of income. There is no infirmity in the reasoning of the courts below warranting interference by this Court. Besides I am informed that the couple has a child.

3. In the circumstances, in my opinion the impugned orders cannot be interfered with. Hence the petition is dismissed. The learned counsel for respondent 1 states that the petitioner is in arrears of maintenance. If this statement is true, the executing court should ensure that execution proceedings are expedited so that, some relief could be given to respondent 1 and her child.

(SMT. RANJANA DESAI, J)